

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

WILLIAM GARDNER, et al.,

Plaintiffs,

vs.

Civ. No. 96-1515 BB/WWD

BOARD OF COUNTY COMMISSIONERS OF
McKINLEY COUNTY, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter came before the Court upon Deponent's Motion for Protective Order filed November 26, 1997 [docket no. 60]. In that motion, prospective witness Mari Susan Mallery sought certain protection in connection with the taking of her deposition which presently is scheduled for December 5, 1997. On December 2, 1997, I conducted a telephone conference with counsel for the parties and counsel for the witness. The deposition of Mari Susan Mallery will be allowed to proceed as scheduled subject to the following conditions, to wit:

1. No interrogation will be conducted which could lead directly or indirectly to disclosing the present home address of the witness.¹
2. No inquiries will be addressed to the witness concerning occurrences after September 15, 1995.
3. For the period between August 15, 1995, and September 15, 1995, questions will be

¹I must necessarily rely upon the good faith of counsel on each side in implementing this provision. If counsel are unable to proceed, I shall consider having the deposition location transferred to my courtroom where rulings can be available on short notice.

limited to witness' statements or contacts with police or other witnesses concerning the incident giving rise to this lawsuit.

4. Subject to the limitations set out in paragraph 1 above, the witness may be questioned generally about events occurring on or before August 15, 1995.

Discovery shall proceed in accordance with the foregoing.

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE